

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MAURICE A. MICKLING,
Petitioner,
v.
B. M. TRATE, Warden,
Respondent.

Case No. 1:22-cv-00010-SKO-HC
ORDER DISCHARGING ORDER TO
SHOW CAUSE
(Doc. 25)

Petitioner is a federal prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On May 10, 2022, Respondent filed a motion to dismiss the petition. (Doc. 17.) Concurrently, Respondent filed a notice of request to seal documents. (Doc. 18.) Respondent requested to file under seal: Appendix pages 5-21, 24-85 to Respondent's Motion to Dismiss. Respondent further noted that the documents were emailed to the Court on May 10, 2022. The Clerk of Court searched the Court's emails but did not locate the afore-mentioned documents at that time.

On May 12, 2022, the Court ordered the documents to be sealed. (Doc. 19.) On September 2, 2022, the Court advised Respondent that the documents had not yet been received. (Doc. 22.) Respondent was directed to file the specified documents under seal within fourteen (14) days.

1 More than fourteen (14) days passed, and the Court did not receive the documents.¹ Therefore,
2 on November 8, 2022, the Court issued an order directing Respondent to show cause why
3 sanctions should not be imposed. (Doc. 25.)

4 On November 22, 2022, Respondent filed a response to the order to show cause. (Doc.
5 26.) In addition, on November 23, 2022, the relevant documents were submitted and filed under
6 seal. (Docs. 27, 28, 29.) After reviewing the Court's email databases according to Respondent's
7 stated submissions, it appears that the documents were in fact received on May 10, 2022, but
8 erroneously misplaced. In light of the foregoing, there is no cause for sanctions and the order to
9 show cause is hereby DISCHARGED.

10 IT IS SO ORDERED.
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12 Dated: **December 1, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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27 ¹ Respondent states that Respondent's legal assistant resubmitted the documents on September 2, 2022.
28 After conducting a review of the email databases, it appears there was confusion in the submission of
the documents and they were ultimately not received.